

Applicant Initiated Interview Request Form

Application No.: 10/773, 684 First Named Applicant: Paul A. Lotke
 Examiner: Snow, Bruce E. Art Unit: 3738 Status of Application: Pending

Tentative Participants:

(1) Stephen Eland (2) _____
 (3) _____ (4) _____

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Proposed Date of Interview: 02/06/08

Proposed Time: 11 am (AM/PM)

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: [] YES [] NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>see attached</u>	_____	_____	[]	[]	[]
(2) _____	_____	_____	[]	[]	[]
(3) _____	_____	_____	[]	[]	[]
(4) _____	_____	_____	[]	[]	[]

[] Continuation Sheet Attached

Brief Description of Arguments to be Presented:

see attached

An interview was conducted on the above-identified application on _____.
 NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview

(see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

 Applicant/Applicant's Representative Signature

 Examiner/SPE Signature

Stephen Eland
 Typed/Printed Name of Applicant or Representative

41,010
 Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Summary of Rejections of Independent claims:

- (1) AramUS2006/0058884 - All pending claims
- (2) Aubaniac WO 87/02882 - Claims 14, 50, 78, 84 (not 1, 59 and 69)
- (3) Merchant 6,616,696 - Claim 78

Points for Discussion

- (1) Aram Reference
 - Draft declaration under §132 establishing that the relevant disclosure is applicant's own work, as stated in MPEP §2136.05 (Overcoming a 102(e) rejection) and §716.10 (Attribution)
 - Official Action recommends adding Dr. Lotke to Aram 11/171,180. However, neither the MPEP nor §102(e) require such a change, especially since the present application claims benefit to provisional application no. 60/535,967, which is the basis for the §102(e) rejection.
- (2) Aubaniac Reference
 - Claims 14, 50 and 78 have been amended to clarify that the width is measured at a point adjacent the trochlear groove portion to eliminate the interpretation in which the width could be measured at the tip, which is a point having virtually no width.
 - Claim 84 - the Examiner appears to base the rejection on the previous version of claim 84. In the recent response, claim 84 was amended to recite that either the medial extension or the lateral extension has a length that is at least approximately one quarter the length of the body portion. This feature is from dependent claim 99, which the Examiner previously identified as patentable over Aubaniac in the Official Action dated 5/21/2007. It appears that the addition of this feature was simply overlooked in the recent official action.
- (3) Merchant Reference
 - Claim 78 amended to recite that the second portion overlies a portion of the intercondylar notch and flares medially or laterally to overlie a medial or lateral portion of the intercondylar notch.